

§ 63.789

40 CFR Ch. I (7–1–13 Edition)

actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with § 63.783(b)(1), including actions taken to correct a malfunction.

[60 FR 64336, Dec. 15, 1995, as amended at 61 FR 66227, Dec. 17, 1996; 76 FR 72069, Nov. 21, 2011]

§ 63.789 Implementation and enforcement.

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to a State, local, or Tribal agency.

(b) In delegating implementation and enforcement authority of this subpart

to a State, local, or Tribal agency under subpart E of this part, the authorities contained in paragraph (c) of this section are retained by the Administrator of U.S. EPA and cannot be transferred to the State, local, or Tribal agency.

(c) The authorities that cannot be delegated to State, local, or Tribal agencies are as specified in paragraphs (c)(1) through (4) of this section.

(1) Approval of alternatives to the requirements in §§ 63.780 through 63.781, and 63.783 through 63.784.

(2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart.

(3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart.

(4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

[68 FR 37353, June 23, 2003]

TABLE 1 TO SUBPART II OF PART 63—GENERAL PROVISIONS OF APPLICABILITY TO SUBPART II

Reference	Applies to subpart II	Comment
63.1(a)(1)–(3)	Yes.	Subpart II clarifies the applicability of each paragraph in subpart A to sources subject to subpart II.
63.1(a)(4)	Yes.	
63.1(a)(5)–(7)	Yes.	Discusses State programs.
63.1(a)(8)	No.	
63.1(a)(9)–(14) ..	Yes.	§ 63.781 specifies applicability in more detail.
63.1(b)(1)	Yes.	
63.1(b)(2)–(3)	Yes.	Additional terms are defined in § 63.782; when overlap between subparts A and II occurs, subpart II takes precedence.
63.1(c)–(e)	Yes.	
63.2	Yes.	Other units used in subpart II are defined in that subpart.
63.3	Yes.	
63.4	Yes.	Except information on control devices and control efficiencies should not be included in the application unless an add-on control system is or will be used to comply with subpart II in accordance with § 63.783(c).
63.5(a)–(c)	Yes.	
63.5(d)	Yes.	Except § 63.784(a) specifies the compliance date for existing affected sources.
63.5(e)–(f)	Yes.	
63.6(a)–(b)	Yes.	See § 63.783(b)(1) for general duty requirement.
63.6(c)–(d)	Yes.	
63.6(e)(1)(i)	No.	Section reserved.
63.6(e)(1)(ii)	No..	
63.6(e)(1)(iii)	Yes..	If an alternative means of limiting emissions (e.g., an add-on control system) is used to comply with subpart II in accordance with § 63.783(c), then this section does apply.
63.6(e)(2)	No.	
63.6(e)(3)	No..	§ 63.783(c) specifies procedures for application and approval of alternative means of limiting emissions.
63.6(f)(1)	No..	
63.6(f)(2)–(f)(3) ..	No.	Subpart II does not contain any opacity or visible emission standards.
63.6(g)	No.	
63.6(h)	No.	
63.6(i)–(j)	Yes.	

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Pt. 63, Subpt. II, Table 2

Reference	Applies to subpart II	Comment
63.7(a)–(d)	No	If an alternative means of limiting emissions (e.g., an add-on control system) is used to comply with subpart II in accordance with § 63.783(c), then these sections do apply.
63.7(e)(1)	No	If an alternative means of limiting emissions (e.g., an add-on control system) is used to comply with subpart II in accordance with § 63.783(c), then see § 63.786(e).
63.7(e)(2)–(e)(4)	No	If an alternative means of limiting emissions (e.g., an add-on control system) is used to comply with subpart II in accordance with § 63.783(c), then these sections do apply.
63.8	No	If an alternative means of limiting emissions (e.g., an add-on control system) is used to comply with subpart II in accordance with § 63.783(c), then this section does apply, with the exception of § 63.8(c)(1)(i), § 63.8(c)(1)(iii), and the last sentence of § 63.8(d)(3).
63.9(a)–(d)	Yes	§ 63.787(a) extends the initial notification deadline to 180 days. § 63.787(b) requires an implementation plan to be submitted with the initial notification.
63.9(e)	No	If an alternative means of limiting emissions (e.g., an add-on control system) is used to comply with subpart II in accordance with § 63.783(c), then this paragraph does apply.
63.9(f)	No	Subpart II does not contain any opacity or visible emission standards
63.9(g)–(h)	No	If an alternative means of limiting emissions (e.g., an add-on control system) is used to comply with subpart II in accordance with § 63.783(c) then these paragraphs do apply.
63.9(i)–(j)	Yes.	
63.10(a)	Yes.	
63.10(b)(1)	Yes.	
63.10(b)(2)(i)	No.	
63.10(b)(2)(ii)	No	See § 63.788(b)(5) for recordkeeping of occurrence, duration, and actions taken during malfunctions.
63.10(b)(2)(iii)	Yes.	
63.10(b)(2)(iv)–(b)(2)(v)	No.	
63.10(b)(2)(vi)–(b)(2)(xiv)	Yes.	
63.10(b)(3)	Yes.	
63.10(c)(1)–(9) ..	No	If an alternative means of limiting emissions (e.g., an add-on control system) is used to comply with subpart II in accordance with § 63.783(c), then these sections do apply.
63.10(c)(10)–(11)	No	If an alternative means of limiting emissions (e.g., an add-on control system) is used to comply with subpart II in accordance with § 63.783(c), then see § 63.788(b)(5) for records of malfunctions.
63.10(c)(12)–(14)	No	If an alternative means of limiting emissions (e.g., an add-on control system) is used to comply with subpart II in accordance with § 63.783(c), then these sections do apply.
63.10(c)(15)	No.	
63.10(d)(1)–(4) ..	Yes.	
63.10(d)(5)	No	See § 63.788(c) for reporting malfunctions.
63.10(e)	No	If an alternative means of limiting emissions (e.g., an add-on control system) is used to comply with subpart II in accordance with § 63.783(c), then this paragraph does apply.
63.10(f)	Yes.	
63.11	No	If an alternative means of limiting emissions (e.g., an add-on control system) is used to comply with subpart II in accordance with § 63.783(c), then this section does apply.
63.12–63.15	Yes.	

[60 FR 64336, Dec. 15, 1995, as amended at 76 FR 72070, Nov. 21, 2011]

TABLE 2 TO SUBPART II OF PART 63—VOLATILE ORGANIC HAP (VOHAP) LIMITS FOR MARINE COATINGS

Coating category	VOHAP limits ^{a,b,c}		
	Grams/liter coating (minus water and exempt compounds)	Grams/liter solids ^d	
		t ≥4.5 °C	t <4.5 °C ^e
General use	340	571	728
Specialty:			
Air flask	340	571	728
Antenna	530	1,439	
Antifoulant	400	765	971
Heat resistant	420	841	1,069
High-gloss	420	841	1,069
High-temperature	500	1,237	1,597
Inorganic zinc high-build	340	571	728
Military exterior	340	571	728
Mist	610	2,235	
Navigational aids	550	1,597	
Nonskid	340	571	728
Nuclear	420	841	1,069